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## ARTS AND CULTURE COMMISSION

Colleen Wilcox, Chair  
Jade Bradbury  
George Havelka  
Penelope O'Neill

Shawn Charnaw, Vice-Chair  
Mary Curtis  
Jonathan Knowles  
David Stonesifer

### TOWN OF LOS GATOS ARTS AND CULTURE COMMISSION AGENDA

**WEDNESDAY, MAY 12, 2010, 4:00 P.M.**

**Los Gatos Adult Recreation Center  
208 East Main Street  
Los Gatos, California**

#### **PARTICIPATION IN THE PUBLIC PROCESS**

The Town of Los Gatos strongly encourages your active participation in the public process, which is the cornerstone of democracy. If you wish to speak to an item NOT on the agenda, you may do so during the "Verbal Communications" period. The time allocated to speakers may change to better facilitate the Arts and Culture Commission meeting.

The purpose of the Arts and Culture Commission meeting is to conduct the business of the community in an effective and efficient manner. This is done by following meeting guidelines set forth in State law and in the Town Code. Conduct which is considered disruptive during Arts and Culture Commission meetings includes, but is not limited to:

- Addressing the Arts and Culture Commission without first being recognized;
- Interrupting speakers, Arts and Culture Commission members, and Town staff;
- Continuing to speak after the allotted time has expired;
- Failing to relinquish the podium when directed to do so; and
- Repetitiously addressing the same subject.

For the benefit of the community, the Town of Los Gatos asks that you follow the Town's meeting guidelines while attending Arts and Culture Commission meetings and treat everyone with respect and dignity.

Writings related to an item on Arts and Culture Commission meeting agenda distributed to members of the Commission within 72 hours of the meeting are available for public review at the front desk of the Los Gatos Public Library, located at 110 E. Main Street and are also published on the on the official Town of Los Gatos website. Copies of desk items distributed to members of the Commission at the meeting are available for review in the Adult Recreation Center at the front desk.

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Services Department at (408) 354-6888. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to the meeting. [28 CFR 35, 102-35.104]**

1. **ROLL CALL**
2. **APPROVAL OF APRIL 15, 2010 MINUTES** (Attachment 1)
  - 2.1 Review and complete Draft Outline for Arts Plan Development (Attachment 2)
3. **APPROVAL OF APRIL 19, 2010 MINUTES** (Attachment 3)
4. **COMMUNICATIONS**  
Verbal (Three minute time limit per speaker for subjects not agendized)  
  
Written.
5. **NETWORKING THE ARTS**  
Project Overview and Assignments (Attachment 4)
6. **OTHER BUSINESS: Status Reports**
  - 6.1 Commission Vacancy
  - 6.2 Art in the Council Chambers (Bradbury)
  - 6.3 Poet Laureate Committee (Bradbury)
  - 6.4 Public Art Ad Hoc Committee (Staff) (Attachment 5)
7. **ADJOURNMENT**

Attachments

1. April 15, 2010 Minutes
2. Draft Outline for Arts Plan Development
3. April 19, 2010 Minutes
4. Networking the Arts
5. Public Art Ad Hoc Report

ATTENDANCE: Please contact the Commission Chair or the Community Services Department at (408) 354-6888 if you are unable to attend. The current Town Attendance Resolution states that any commissioner who is absent from four regular meetings held in a twelve month period, shall surrender his or her office on the Commission.

## NETWORKING THE ARTS

AGENCY NAME/ADDRESS	CONTACT/PHONE	COMMISSIONER	FY 09/10 Allocation
<b>Art Docents of Los Gatos, Inc.</b> 17000 Roberts Road Los Gatos, CA 95032	Frances Barnes, Program Coordinator Ph: (408) 335-2366 Fx: (408) 358-4046 E: <a href="mailto:artdocents@hotmail.com">artdocents@hotmail.com</a>		\$4,260
<b>CineCats</b>			N/A
<b>Festival Theatre Ensemble/            Los Gatos Shakespeare Festival</b> P.O. Box 954 Los Gatos, CA 95031	Leslie Wright, Treasurer Ph: (408) 396-0094 E: <a href="mailto:leskaa323@aol.com">leskaa323@aol.com</a>	O'Neill	\$900
<b>Jewish Community Center of Silicon Valley</b> 14855 Oka Road, Suite 201 Los Gatos, CA 95032	Justin Weiss Assistant Executive Director P: (408) 357-7404		N/A
<b>Los Gatos Community Concert Association</b> 16250 Shannon Road Los Gatos, Ca 95032 (Pres. Address) Site: Los Gatos High School	Kevin Hayashi, President Ph: (408) 356-2329 E: <a href="mailto:kevin_hayashi@yahoo.com">kevin_hayashi@yahoo.com</a>	Stonesifer	\$1,000
<b>Los Gatos Art Association</b> P.O. Box 1193 Los Gatos, CA 95031	Tanya Carpenter President	Stonesifer	N/A
<b>Los Gatos high School Theater Project</b> Los Gatos High School	Diana Pleasant H: 354-2241 W: 354-2730 X 240		N/A

<b>Photographic Guild of Los Gatos</b> 15900 Blossom Hill Road Los Gatos, CA 95032	Joanne Brice, Coordinator Ph: (408)356-9035 E: <a href="mailto:www.info@pglgef.org">www.info@pglgef.org</a>	Knowles	\$1,000
<b>St. Luke's Episcopal Church/  Sunset Series Chamber Music</b> 20 University Avenue Los Gatos, CA 95030	Ted Lorraine, Artistic Director Ph: (408) 281-3965 E: <a href="mailto:tedlorraine@comcast.net">tedlorraine@comcast.net</a> Susie Fleming, Financial Director (408) 267-1161 E: <a href="mailto:sflemin@hotmail.com">sflemin@hotmail.com</a>		\$1,000
<b>Los Gatos Museum Association/The  Museums of Los Gatos</b> P.O. Box 1804, Los Gatos CA, 95031  The Art Museum of Los Gatos 4 Tait Avenue, Los Gatos  The History Museum of Los Gatos 75 Church Street, Los Gatos	Elke Grove, Executive Director  Art Museum Ph: (408) 354-2646  History Museum Ph: (408) 395-7375 Fx: (408) 395-7386		\$12,430*


\*Annual funding provided by the Town through Grant Agreement/Lease Agreement. (\$12,430 annually)



# MEMORANDUM

## Community Services Department

**To:** ARTS AND CULTURE COMMISSION

**From:** MONICA RENN   
COMMUNITY SERVICES DEPARTMENT

**Subject:** RETIRE THE AD HOC PUBLIC ART SUBCOMMITTEE

**Date:** MAY 4, 2010

### Recommendation

Retire Thef Ad hoc Public Art Subcommittee

### Background

In January 2010, the Town's Arts and Culture Commission established an ad hoc Public Art Subcommittee with the following three objectives:

1. Develop a list of potential interior art sites
2. Review and evaluate an anticipated art gift offer
3. Review the Town's Public Art Selection Policy and Procedures

### Discussion

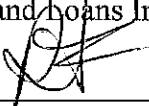
The purpose of this memo is to report on the completion of the above objectives as follows:

1. Staff surveyed possible locations for public art placement and came up with a list of interior spaces that was presented to the Subcommittee. After internal review, the results of the inventory were as follows: the Council Chambers as a part of the Art in the Council Chambers program, and the lobby of the Council Chambers. An inventory of existing public art was also completed. The results of this inventory indicated that the Town currently has a large amount of public art that has been accepted as either a gift or a loan and at this time have little capacity for the acceptance of new public art gifts or loans.
2. The Subcommittee reviewed an application for the gift of public art and made the recommendation that the piece be accepted and placed in Town Hall. The location was not acceptable to the public art applicant and the application was withdrawn until further notice.
3. After reviewing the Town's Public Art Selection Policy and Procedures, a Public Art Gift/Loan Application, criteria and placement checklist, and procedure flowchart were created to simplify the process of considering and processing public art inquiries.

It is the recommendation of staff that the ad hoc Public Art Subcommittee be retired at this time, due to the completion of the Subcommittee's intended objectives.

## Attachments

1. Memo. January 8, 2010, to Establish Public Art Committee
2. Memo, February 4, 2010, to Public Art Subcommittee including all attached documents
  - a. Public Art Policy and Procedures
  - b. Public Art Loan Application
  - c. Public Art Checklist
  - d. Public Art Process Flowchart
  - e. Gift Receipt For
  - f. Solicitation and Donation Policy
  - g. Public Art Gifts and Loans Inventory/Pictures

Approved by: Regina Falkner   
Community Services Director



# MEMORANDUM

## Community Services Department

Attachment 1



208 E. MAIN STREET  
LOS GATOS, CA 95030

**To:** Arts and Culture Commission

**From:** Regina A. Falkner  
Community Services Director

**Subject:** Establish Public Art Committee

**Date:** January 8, 2010

### RECOMMENDATION:

That the Arts and Culture Commission:

1. establish an ad-hoc Public Art Committee
2. direct the Committee to work with staff to:
  - develop a list of potential interior art sites
  - review and evaluate an art gift offer
  - review the Town's Public Art Selection Policy and Procedures

### BACKGROUND:

In 1988 the Town adopted, "Public Art Selection Policy and Procedures," based on similar policies adopted by the cities of Santa Cruz and San Jose. The main objective in adopting the document was to have a defined method for assessing and processing offers of art loans and gifts. Although the document envisioned the Town's role to be primarily responsive to offers of art, it did include reference to possible commissions for public art.

The policy was first tested in 1990, when it received its first offer of public art. Based on that experience, the document was revised in 1992. The document was revised again in 2009 to reflect current practice and provide a more practical review process.

At the Civic Center, the Town currently displays four outdoor art pieces; 3 are on loan and 1 was accepted as a gift. The Town also owns a number of two-dimensional art pieces located throughout the Civic Center.

### DISCUSSION:

This report has been prepared at Chair O'Neill's request in response to Commissioner Wilcox's desire to have the Town consider acceptance of a small sculpture for placement with Town facilities. The Town's policy indicates that the offer shall first be reviewed by a Public Art Committee, then forwarded to the Commission, and then to Town Council. As a suitable location for the artwork is an essential criteria in determining whether or not to accept the piece, it is recommended that the Committee work with staff to identify possible placement locations. Based on the Committee's experience with processing this art gift offer, the Committee will be asked to assess the procedures and provide any recommended changes. Other public art projects/elements can be explored if the Commission determines, after its Retreat, that Public Art should be a priority.



# MEMORANDUM

## Community Services Department

**To:** PUBLIC ART SUB-COMMITTEE

**From:** MONICA RENN  
COMMUNITY SERVICES DEPARTMENT

**Subject:** PUBLIC ART SELECTION POLICY AND PROCESS

**Date:** FEBRUARY 4, 2010

### Recommendation

For information, only.

### Background

In 1988 the Town of Los Gatos adopted "Public Art Selection Policy and Procedures," based on similar policies adopted by Santa Cruz and San Jose. The main objective in adopting the document was to have a defined method for assessing and processing offers of Public Art including loans and gifts. The document has been revised twice since then; the last update was adopted in 2009.

### Discussion

This report provides the "Public Art Policy and Procedures," and related documents and forms. In addition, a copy of the Town's "Solicitation and Donation Policy" has been included. This document was adopted in 2008 by Town Council to provide guidelines for the Town's acceptance of all donations.

Lastly, attached is an inventory of current Public Artwork that has been gifted or loaned to the Town and its display.

### Attachments

1. Public Art Policy and Procedures
2. Public Art Loan Application
3. Public Art Criteria Checklist
4. Public Art Process
5. Gift Receipt Form
6. Solicitation and Donation Policy
7. Public Art Gifts and Loans Inventory/Pictures

Approved by: Regina Falkner \_\_\_\_\_  
Community Services Director



**RESOLUTION 2009-103**

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
AMENDING PUBLIC ART SELECTION POLICIES AND PROCEDURES  
AND RESCINDING RESOLUTION 1992-78**

**WHEREAS**, the Town of Los Gatos has a Public Art Selection Program allowing it to commission art work and to accept art work on loan and as gifts; and

**WHEREAS**, the Town Council of the Town of Los Gatos wishes to revise its policies and procedures which govern the Public Art Selection Program.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Town of Los Gatos Public Art Selection Policy and Procedure (Exhibit A) is hereby adopted; and
2. Resolution 1992-78 is hereby rescinded.

**PASSED AND ADOPTED** at a regular meeting of the Town Council of the Town of Los Gatos, California, held on the 21st day of September, 2009, by the following vote:

**COUNCIL MEMBERS:**

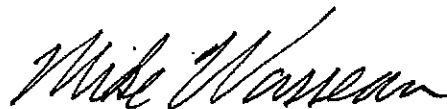
AYES: Diane McNutt, Joe Pirzynski, Steve Rice, Barbara Spector, Mayor Mike Wasserman

NAYS:

ABSENT:

ABSTAIN:

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

ATTEST:



CLERK ADMINISTRATOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

## **TOWN OF LOS GATOS PUBLIC ART SELECTION POLICY AND PROCEDURE**

### **I. PURPOSE**

The purpose of this policy is to provide a process through which the Town of Los Gatos (hereinafter Town) can accept art work on loan or as a gift as part of a Public Art Program. The policy also provides guidance to the Town and the Town of Los Gatos Arts and Culture Commission (hereinafter Commission) for purchasing existing art work and for commissioning artists to create new art work for the Town.

### **II. SCOPE**

This policy applies to the installation of all art work loaned, gifted, purchased, or commissioned by the Town for public display. A separate process may be implemented for the installation of art work in a new Town facility or related to any Town construction project.

The Town Manager is hereby authorized to accept loans and/or gifts to the Town of art work that is valued at or below five thousand dollars (\$5,000), and that, if a loan, will be loaned to the Town for a period of five (5) years or less.

- A. All purchases and commissions by the Town of art work must be considered through the procedures outlined below in Section IV, Procedure.
- B. All loans and/or gifts to the Town of art work that is valued at more than five thousand dollars (\$5,000) and/or that, if a loan, will be loaned to the Town for a period of more than five (5) years, must be considered through the procedures outlined below in Section IV, Procedure.

### **III. Policy**

The Town plans for public installation of art work. It is the objective of the Public Art Program to provide the community with the opportunity to enjoy access to a variety of art work and to work with a variety of artists over time. Local Los Gatos artists shall receive preferred consideration under the Public Art Program. Artists and art work from other geographic regions shall also be considered for inclusion.

### **IV. Procedure**

- A. Art work which is to be considered for public installation shall be first reviewed by the Public Art Subcommittee (hereinafter Subcommittee), a subcommittee of the Commission. The Subcommittee shall meet only on an as-needed basis in order to consider art work under the scope of this Public Art Policy. The Subcommittee shall develop a written recommendation to the Commission. The recommendation shall include one or more proposed locations for placement of the proposed art work.
  - 1. Should the Subcommittee find that the proposed installation might have an impact on a Town park, the Subcommittee shall solicit a written recommendation from the Town of Los Gatos Parks Commission, which shall be included in the Subcommittee's recommendation to the Commission.

- B. The Commission shall consider the written recommendation of the Subcommittee at a public meeting. If the Commission finds that the proposed installation would have an impact on an identifiable section of the Los Gatos community, the Commission may also hold a community meeting. The Commission shall develop a written recommendation to the Town Council.
- C. The Town Council shall consider the written recommendation of the Commission at a public meeting. The Town Council shall make the final decision regarding a proposed public installation of art work, including its location.
- D. This procedure shall also be followed for consideration of renewal or non-renewal of loaned art work, and of the proposed deaccession of art work.

V. **Criteria and Conditions for Selection**

- A. The Town shall make no promises to exhibit art work permanently or to maintain art work as the property of the Town in perpetuity.
- B. The Town shall maintain a responsible collection, maintenance, and deaccession policy and procedure for art works which are accepted as part of the Town's Public Art Program.
- C. No acquisition shall be accepted without written permission and approval from the Town Council.
- D. Acceptance shall result in a contract between the donor or artist and the Town. (A contract for art work which is loaned will include a clearly defined period of time, with the lender retaining title to the art work.)
- E. The following shall be criteria for determining whether an art work is acceptable:
  - 1. **Aesthetics:** It shall be deemed to be an art work of lasting aesthetic value.
  - 2. **Quality:** There is inherent quality in the art work itself (i.e. art work shall not necessarily be accepted based on the artist's overall reputation).
  - 3. **Style:** An art work shall be compatible in scale, materials, form, and content with its surroundings.
  - 4. **Permanence:** Due consideration shall be given to structural/surface soundness, resistance to theft, vandalism, weathering, and excessive maintenance repair costs.
  - 5. **Public Liability:** Each art work shall be examined and approved for safety conditions and factors which may bear upon public liability.
  - 6. **Diversity:** The overall Public Art Program shall consider diversity in style, scale, and media.
  - 7. **Technical Feasibility:** (For purchases or commissions) Each art work shall be examined for convincing evidence of the artist's ability to successfully complete the art work as proposed.
  - 8. **Duplication:** To assure that the art work will not be duplicated, the artist shall be asked to warrant that the art work is unique and an edition of one, unless stated to the contrary in the contract. (Multiples shall be considered for selection at the discretion of the Commission.) **Public Comment:** The input of the community shall be solicited by the Subcommittee, Commission, and Town Council.

**VI. CRITERIA FOR CONSIDERATION FOR ART WORK PLACEMENT**

Prior to placement of an art work, the following factors shall be considered:

- A. Visibility
- B. Lighting
- C. Public Safety
- D. Traffic Patterns: interior, exterior, foot, and auto
- E. Location: relationship to existing art work, architecture, and natural features in the proposed vicinity
- F. Future development plans for the area
- G. Impact on the community or neighborhood in the proposed vicinity



## Public Art Gift/Loan Inquiry

If you wish to donate or loan artwork to the Town of Los Gatos, please complete the fields below and attach an image of the artwork. Submit completed the documents to the Community Services Director at 208 E. Main Street, Los Gatos, CA, 95030. Artwork will be considered within the guidelines of the Public Art Selection Policy and the Solicitation and Donation Policy set forth by Town Council. For more information including relevant policies please visit the Town's website at [www.LosGatosCA.gov](http://www.LosGatosCA.gov) or call the Community Services Department at (408) 354-6820.

Artist Information	
Name:	
Address:	
Phone Number:	Email Address:
Website (If Applicable):	
Information Regarding the Artwork	
Title:	
Medium:	
Size:	Weight:
Estimated Value:	
Desired location for the artwork to be displayed:	
Are you willing to consider another location if the desired location is not available? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> With conditions (please explain)	
Would you like the artwork to be considered as a: <input type="checkbox"/> Gift Only <input type="checkbox"/> Loan Only <input type="checkbox"/> Either	
If you checked loan, please indicate the desired length of time you wish to loan the artwork:	
Donor Information - Complete only if Donor(s) differ from Artist	
Name:	
Address:	
Phone Number:	Email Address:

I, \_\_\_\_\_ am the rightful owner of the artwork noted above and would like to gift or loan it within the conditions I have indicated to the Town of Los Gatos. I understand that by submitting this form, I am requesting that the artwork be considered; however, I understand there is no guarantee that it will be accepted.

\_\_\_\_\_  
Artist/Donor Signature

\_\_\_\_\_  
Artist/Donor Printed Name



## Public Art Criteria & Placement Checklist

Title of Gift/Loan proposal being considered: \_\_\_\_\_

Artist: \_\_\_\_\_

Donor (If different from Artist): \_\_\_\_\_

\*\*\*\*\*

The following criteria are taken from the Public Art Policy and Procedures, and shall be used for determining the acceptability of public art work:

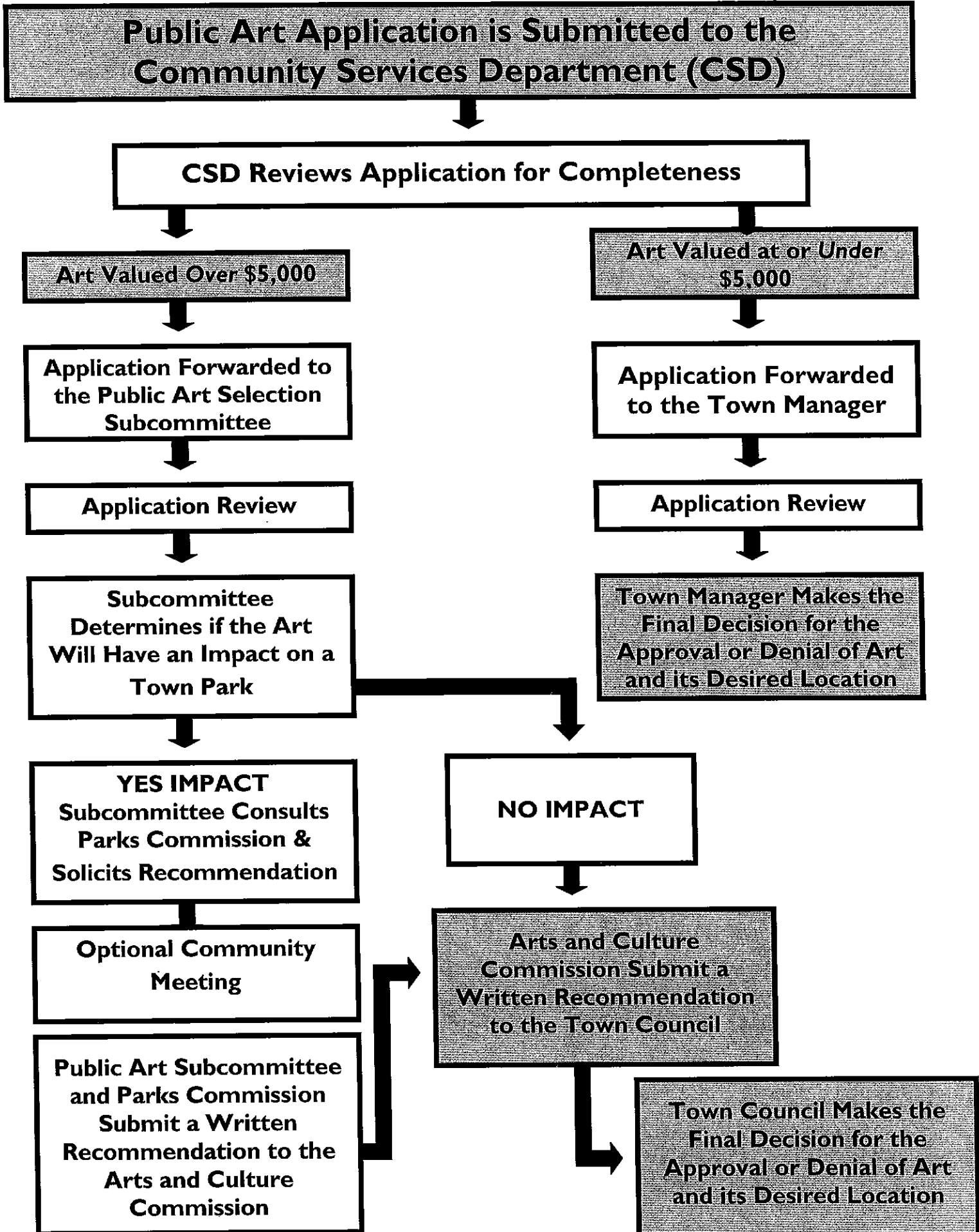
- ☐ **Aesthetics:** It shall be deemed to be an art work of lasting aesthetic value.
- ☐ **Quality:** There is inherent quality in the art work itself (i.e. art work shall not necessarily be accepted based on the artist's overall reputation).
- ☐ **Style:** An art work shall be compatible in scale, materials, form, and content with its surroundings.
- ☐ **Permanence:** Due consideration shall be given to structural/surface soundness, resistance to theft, vandalism, weathering, and excessive maintenance repair costs.
- ☐ **Public Liability:** Each art work shall be examined and approved for safety conditions and factors which may bear upon public liability.
- ☐ **Diversity:** The overall Public Art Program shall consider diversity in style, scale, and media.
- ☐ **Technical Feasibility:** (For purchases or commissions) Each art work shall be examined for convincing evidence of the artist's ability to successfully complete the art work as proposed.
- ☐ **Duplication:** To assure that the art work will not be duplicated, the artist shall be asked to warrant that the art work is unique and an edition of one, unless stated to the contrary in the contract. (Multiples shall be considered for selection at the discretion of the Commission.)
- ☐ **Placement:** Prior to placement of an art work, the following factors shall be considered:
  - ☐ Visibility
  - ☐ Lighting
  - ☐ Public Safety
  - ☐ Traffic Patterns: interior, exterior, foot, and auto
  - ☐ Location: relationship to existing art work, architecture, and natural features in the proposed vicinity
  - ☐ Future development plans for the area
  - ☐ Impact on the community or neighborhood in the proposed vicinity

Specific Placement Possibilities: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# The Public Art Process

Attachment D





## Town of Los Gatos

### GIFT RECEIPT

Possession of the artwork listed on the face of this receipt is accepted by the Town of Los Gatos subject to the following conditions:

1. All artwork accepted by the Town of Los Gatos will become exclusive and absolute property of the Town of Los Gatos and may be displayed, retained, destroyed or disposed of in the best interests of the Town of Los Gatos.
2. The Town of Los Gatos will not, and shall not be required to carry any insurance against loss or destruction of or damage to such item. The Town of Los Gatos will not be required to exercise greater precautions for the care and the safety of such artwork than it exercises with respect to its own property of same or similar nature.
3. The undersigned, herein called "Donor," hereby assign, transfer and give to the Town of Los Gatos, herein called "Donee," its successors and assignees, the rights to the artwork described as follows:

**Title:**  
**Artist:**  
**Size:**  
**Medium:**  
**Donors:**  
**Estimated Value:**

4. The gift is made by Donor unconditionally and without the reservation of any right, claims or interest in the above described personal property. Donor affirms that he/she owns said artwork and that to the best of his/her knowledge, has good and complete right, title and interest to give. The Donor hereby releases the Town from all liability with respect to any loss or damages to the artwork referred to in this Agreement. Donor agrees that the Town of Los Gatos shall not cover such artwork with insurance.

I have read and understand the conditions of the Gift Receipt.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Donor

The Town of Los Gatos acknowledges receipt of your offer to give the Town of Los Gatos the item described on this page.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Town Manager



## COUNCIL POLICY TOWN OF LOS GATOS

Subject: SOLICITATION AND DONATION  
POLICY

Page 1 of 4

Enabling Actions:

Approved:

Effective

Revised Date:

Date: 4/21/2008

### PURPOSE

The purpose of this policy is to effect Town donations and solicitations in a manner that complies with both the letter and spirit of California ethics laws and, within that framework, to expand the potential for community donations by establishing a mechanism by which individuals and organizations may be more readily advised of donation opportunities.

### **SOLICITATION GUIDELINES**

#### *Targeted Solicitation*

Targeted solicitation is defined as the direct petition or contact of specific individuals, companies, foundations or other entities initiated by the Town Council and other elected officials, Council advisory bodies, and Town employees herein called "Town Officials" for the purpose of receiving goods, services, or other contributions for the Town. Targeted solicitation excludes the direct petition for government, private, or non-profit grants for Council-approved programs, projects, and services. Unless prior approval has been given by the Council, Town Officials shall not engage in targeted solicitation activities on behalf of the Town.

### **BROAD OUTREACH GUIDELINES**

#### *Broad Outreach*

Broad outreach is defined as the process of informing a broad spectrum of individuals, companies, foundations, non-profit organizations, or other entities of donation opportunities through various communication vehicles, including but not limited to written, electronic, or internet-related publications, flyers, brochures, news releases, and television or radio announcements. Broad outreach is permitted by the Town Manager or designee subject to the guidelines provided in this policy.

The following broad outreach guidelines apply when communicating a Town need for goods, services, or other contributions:

- Broad outreach must relate to a Town Council-approved purpose, service, project, or program.

- Broad outreach for goods, services, or other contributions should be made by using a variety of communication methodologies to ensure outreach to the entire community.
- Donations shall not be made under the guise, pretense, or presumption of receiving official Town endorsement or approval of the donating party, product, project, or activity.

## **PROCEDURE FOR ESTABLISHING COUNCIL APPROVED TOWN NEEDS**

The Council shall direct the Town Manager to develop a list of recommended Town needs for donation opportunities. Council consideration and approval of the list of Town needs may occur as part of the annual operating and capital budget development process and can be amended by Council at any time.

## **DONATION ACCEPTANCE GUIDELINES**

All goods, services, or other contributions offered by individuals, companies, foundations, non-profit organizations, or other entities will be considered for acceptance or rejection, including items offered for donation that are identified on a Council approved list of needs. The acceptance of all donations to the Town will be based on the following guidelines.

- Purpose of the donation.
- Community or municipal need for the donation.
- Compatibility of the donation with Los Gatos Municipal Code, policies, programs, and other applicable laws.
- Timeliness of the donation as it relates to implementation.
- Level of benefit and financial impact to the Town.

All donations should be reviewed by the Town Manager or designee in advance of acceptance to ensure consistency with established policy guidelines.

## **AUTHORITY TO ACCEPT DONATIONS**

The authority to accept all donations is based on the market value of the donation as reasonably determined.

### *Donations \$25,000 and Under*

The Town Manager or designee is authorized to accept or reject all minor donations that have a market value equal to or less than \$25,000.

### *Donations over \$25,000*

The Town Council shall consider and accept or reject all major donations that have a market value greater than \$25,000.

## PROCEDURES FOR ACCEPTING MAJOR DONATIONS

For all major donations, a staff report, containing analysis based on the donation acceptance guidelines established in this policy, will be written to guide the Council when considering major donations. The report will also provide donation recognition alternatives for Council consideration should the donation be accepted. The Council will determine on a case by case basis if the donation should be accepted or rejected.

### DONOR RECOGNITION GUIDELINES

Acceptance of donations shall be acknowledged by the Town. Donation recognition practices shall be implemented in a consistent manner and adhere to Town Municipal Code, all applicable laws, regulations, and policies. Recognition of donations will be determined by the Council or Town Manager and shall be consistent with acceptance requirements of this policy and the guidelines set forth below:

Donations accepted by the Town may be acknowledged through one or more of the forms of recognition as indicated below. Other forms of recognition may be approved by the Town Council via resolution if compelled by special circumstances which shall be specified in the resolution.

- Written and/or verbal recognition.
- Public recognition at Town Council meetings.
- Inclusion in Town public communication materials, such as electronic media and selected publications.
- Plaques.


Plaques may be used to commemorate donations accepted by the Town from persons, businesses, and organizations according to the following standards:

Plaques used for recognition purposes may be affixed to an appropriate Town facility, which includes, but is not limited to a building or any portion thereof, structure, equipment, furniture or natural asset. Plaques shall include the name(s) of the person(s) being recognized and applicable date, with standard wording limited to:

- The Town of Los Gatos recognizes and appreciates \_\_\_\_\_ [and his/her family] for [his/her/their] donation to [identify facility].
- The Town of Los Gatos recognizes and appreciates \_\_\_\_\_ [business or organization] for its donation to [identify facility].
- The Town of Los Gatos recognizes and appreciates \_\_\_\_\_ for [his/her/its] donation to [identify facility] in the name of \_\_\_\_\_.
- Or language acceptable to the Town Council.

The size of the plaque shall not exceed 8"x10," unless the number of donors exceeds the allowable space. For multiple donors, the names of the donors should be proportioned thereto, and the size of the plaque shall not exceed four (4) square feet. The location, materials, size and color of plaques shall be consistent with acceptance requirements of this policy or by Council on a case by case basis should special circumstances exist, which shall be specified in a resolution. Unless compelled by special circumstances and approved by the Town Council via resolution, Town facilities shall not be named after an individual, group, organization or business as a result of any donated good, service, or other contribution to the Town.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Town Attorney

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# **SOLICITATION AND DONATION POLICY FAQ**

## **FREQUENTLY ASKED QUESTIONS**

**Q: *What does the Solicitation and Donation policy do?***

**A:** The policy does the following:

- Restricts Town officials from engaging in targeted solicitation of specific individuals, companies, businesses, foundations and other entities. (Town officials are defined as elected and appointed officials and employees)
- Establishes guidelines for the acceptance and recognition of donations and naming of Town facilities.

**Q: *What does "targeted solicitation" mean?***

**A:** Targeted solicitation is defined as the direct petition of contact of specific individuals, companies, foundations, or other entities by Town officials for the purpose of receiving goods and services.

**Q: *Does this mean that the Town cannot apply for a grant?***

**A:** No. The policy specifically states that targeted solicitation excludes the direct petition for government, private, or non-profit grants for Council approved programs, projects, and services.

**Q: *Who can directly solicit for goods, services or other contributions on behalf of the Town?***

**A:** Unless authorized by the Town Council, Town officials cannot engage in targeted solicitation activities on behalf of the Town. The Arts Commission is the only appointed body that has been authorized by the Town Council to engage in "targeted solicitation" and fundraise for the Music in the Park program.

**Q: *How does the policy change the way the Town communicates its donation needs to non-profit organizations/foundations and the general public?***

**A:** Town officials may not directly petition individuals or other entities and request goods, services, or other contributions for the Town. Instead, officials may share an established list of Town needs with interested persons. The list of Town needs will be developed as part of the FY2008/09 budget process.

**Q: *If a member of the public or non-profit/foundation engages the Town in a conversation about donation opportunities, can Town officials share specific needs?***

**A:** Yes. If members of the public or other entities engage the Town in a conversation about donation opportunities, Town officials may discuss specific service/equipment needs. Town officials should also advise the public about the list of Town needs established by the Council.

**Q: *Will all donations be accepted?***

**A:** No. The acceptance of donations will be based on guidelines outlined in the policy.

**Q: *Who is responsible for accepting/evaluating donations?***

**A:** Donations that have a market value of \$25,000 or less will be considered by the Town Manager. Donations with a market value of over \$25,000 will be considered by the Town Council. Major donations (those over \$25,000) will be agendaized for Council discussion and should be accompanied by a staff analysis along with recognition alternatives.

**Q: *How are donors recognized? Who determines the type of recognition given to donors?***

**A:** Donors may be acknowledged through verbal or written recognition, public recognition at a Council meeting and/or inclusion in public information materials. Donors may also be recognized with a plaque. Recognition of donations will be determined by the Council or Town Manager and is consistent with the acceptance requirements outlined in the policy.

**Q: *Can Town facilities be named after an individual or organization?***

**A:** Unless compelled by special circumstances, Town facilities shall not be named after an individual, group, organization, or business as a result of a donation to the Town.

# TOWN OF LOS GATOS

## PUBLIC ART GIFTS AND LOANS

ITEM	ARTIST NAME	LOCATION	LENDER/DONOR
1. Portals and Passages (Sculpture)	Marilyn Kuksht	Civic Center Lawn	Marilyn Kuksht (May 2002)
2. The Source (Sculpture)	Paul Wilson	Civic Center Lawn	Elaine Bainbridge (July 1998)
3. Eolian (Sculpture)	Eric Ziemelis	Civic Center Lawn	Eric Ziemelis (May 1991)
4. An Ohlone Village (Mural)	Carol Huboi-Werry	Civic Center Surrounding Area	Carol Huboi-Werry (July 2002)
5. Los Gatos Pescado (Sculpture)	Philip Lange	Civic Center Surrounding Area	Philip Lange (April 2003)
6. Forbes Mill Footbridge (Mural)	Los Gatos School Students	Civic Center Surrounding Area	Over 100 local students joined together to create this mural (June 1998)
7. Lyndon Hotel (Oil Painting)	Laurra Merriell	Council Chambers Lobby	John and Jane Kelly
8. Abraham Lincoln	Unknown	Council Chambers Lobby	Mrs. Hazel Lyndon Ryland
9. Portrait of Billy Jones (Oil Painting)	Charles Ward	Council Chambers Lobby	Unknown (December 1990)
10. Los Gatos Cats (Watercolor)	Sara Anderson	Los Gatos ARC	Eric & Mimi Carlson (December 1989)
11. A Winter Scene	J. Boettcher	Los Gatos ARC	Unknown (November 1981)
12. Old Civic Center (Watercolor)	Keith	Los Gatos ARC	Unknown
13. Spanish Style Home (Signed Print)	Vivian Phillips	Los Gatos ARC	Chrislow's (1992)

# TOWN OF LOS GATOS

## PUBLIC ART GIFTS AND LOANS

ITEM	ARTIST NAME	LOCATION	LENDER/DONOR
14. Unnamed Acrylic on Canvas (7 Pieces)	Rosanna Radding	Los Gatos ARC	Rosanna Radding (August 1985)
15. Victorian Home and Cat (Acrylic Mural)	Conrad Szeliga	Los Gatos ARC	Unknown (November 1981)
16. Maria's Berry Farm Water Tower (Watercolor)	Sara Anderson	Parks & Public Works	Sara Anderson
17. Los Gatos Old Mill and Train (Oil Painting)	J. Gensiracisa	Parks & Public Works	Sara Anderson
18. Cruiser (Oil on Canvas Painting)	Gordon Smedt	Police Operations Building	Jennifer Krach and Catherine Fitzsimmons (November 2009)
19. Louis Armstrong (Lithograph)	Bruni	Town Hall	Tice Family and Kathy Carmel (February 2005)
20. Abstract Oil Painting (On Masonite)	Bruni	Town Hall	Southbay Cablevision (June 1991)
21. Old Town Hall (Oil Painting)	Melville Ray	Town Hall	Unknown (November 1981)
22. Train From Santa Cruz (On Masonite)	Jack Wilson	Town Hall	Mr. and Mrs. David Flick (December 1988)

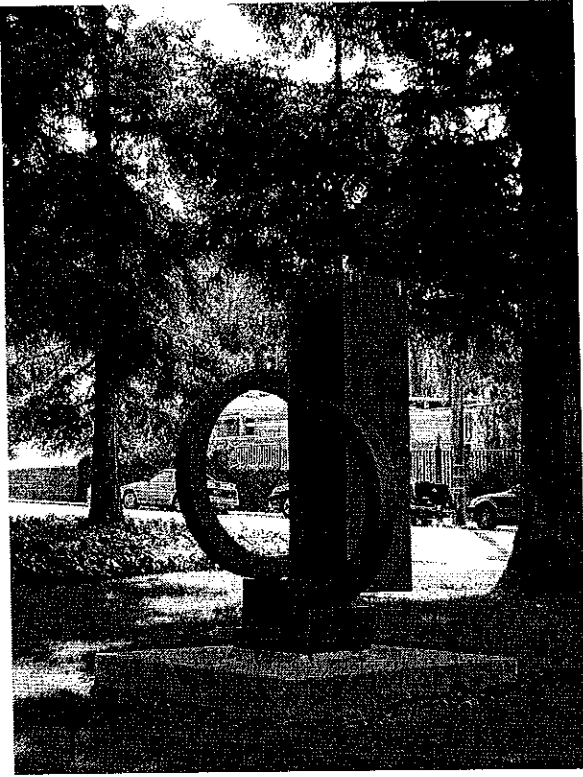
**23. The following pieces are displayed in the Library stairwell and were each winners of a Chamber of Commerce sponsored contest:**  
*Forbes Mill* by Ken Schirle (1978), *McCullough-Jones House* by Vivian Phillips (1979), *The Corner Drugstore* by Deborah Woods (1980), *Miles House* by Jack Wilson (1981), *Honeymoon House* by Armando Delgado (1982), *Coggeshall-Place Home* by Marilyn Hoffman (1983), *Los Gatos High School* by William Cunningham (1984), *Sacred Heart Novitate* by Ruth McNamara (1985), *Old Town* by Patricia Young (1986), *Leo & Leona* by Eleanor Stoffel (1987)

### 24. Art in the Council Chambers

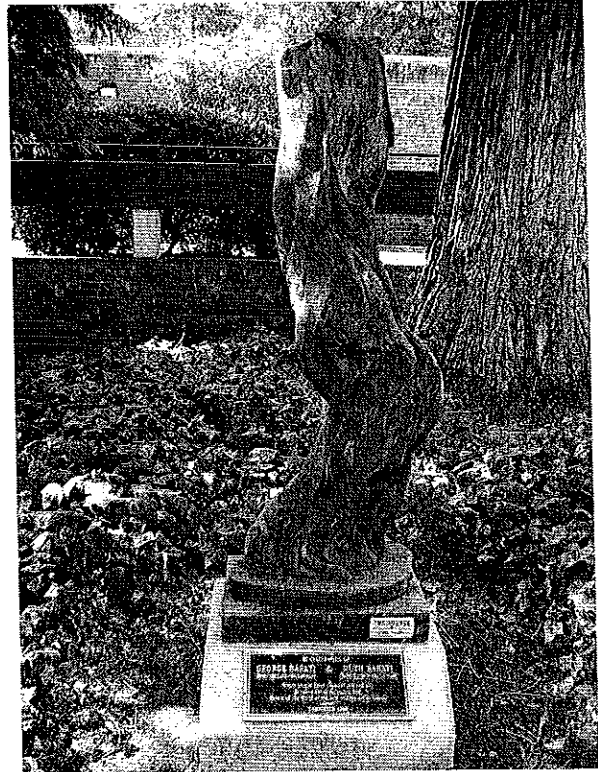
This program regularly displays a variety of creative and inspiring works of art produced by local artists. The artwork, artists, and specific locations within the Chambers tend to change with each exhibit.



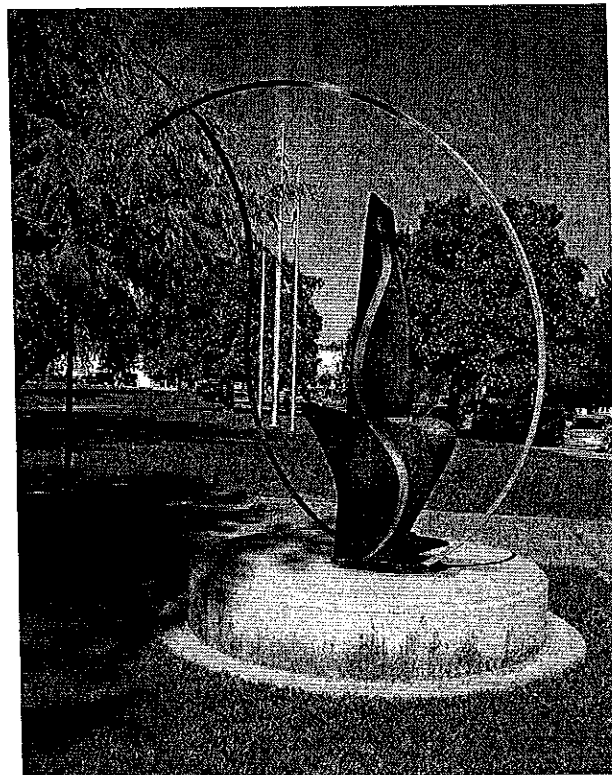
# Civic Center Lawn



1. Portals and Passages

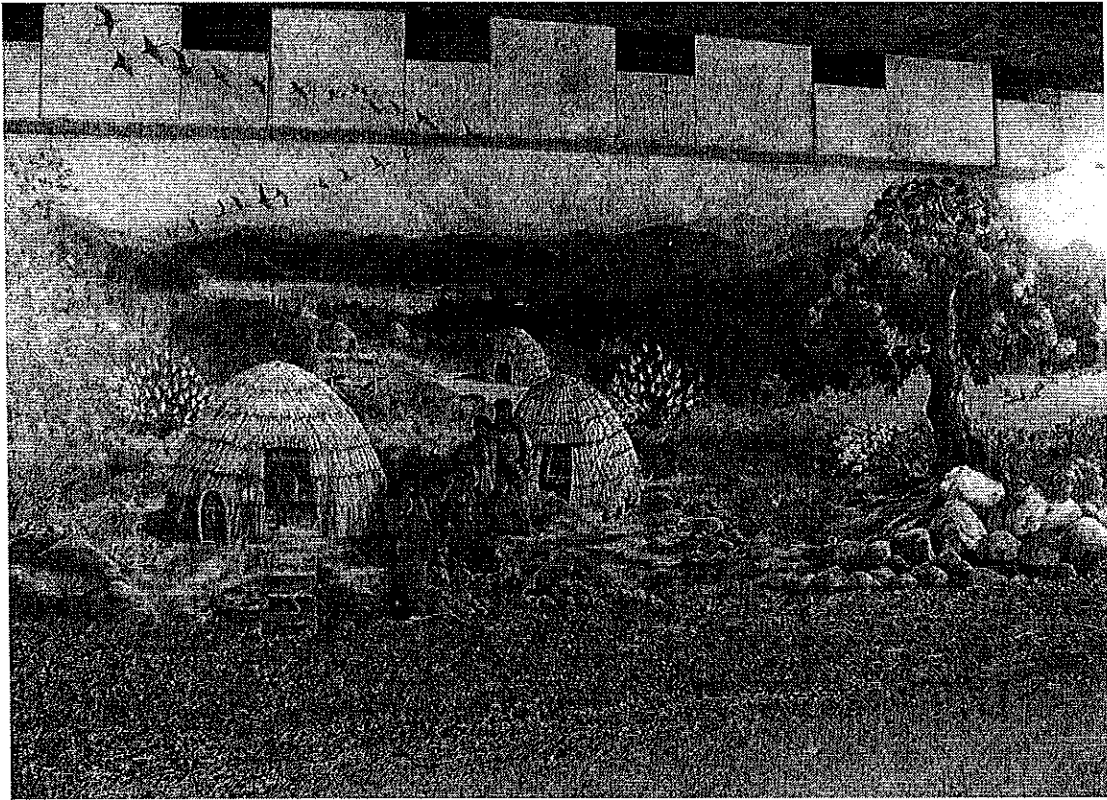


2. The Source

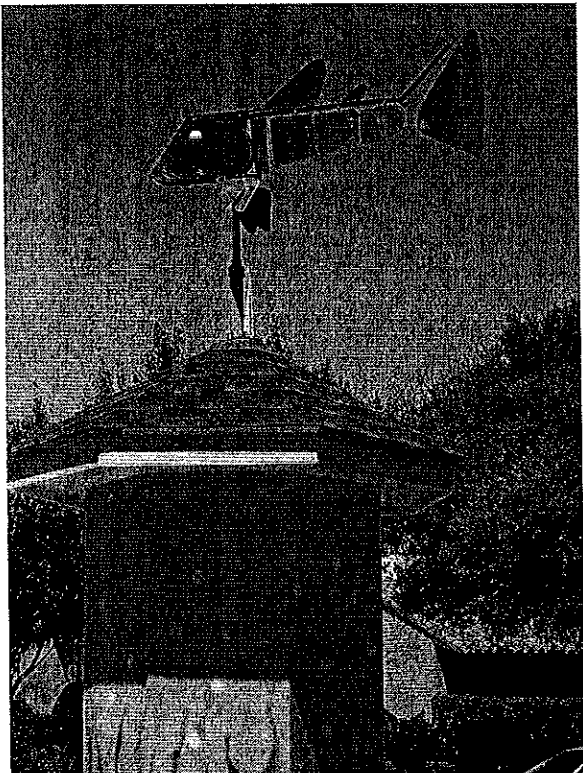


3. Eolian

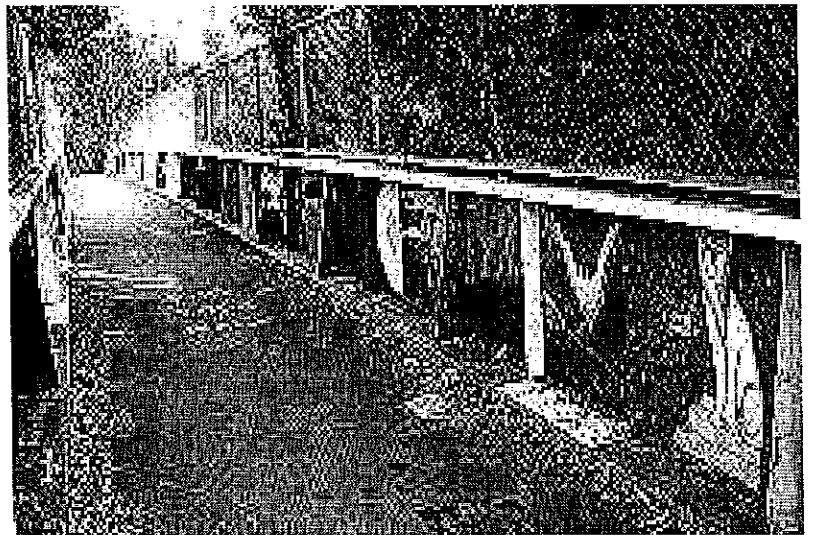
# Civic Center Surrounding Areas



4. An Ohlone Village



5. Los Gatos Pescado

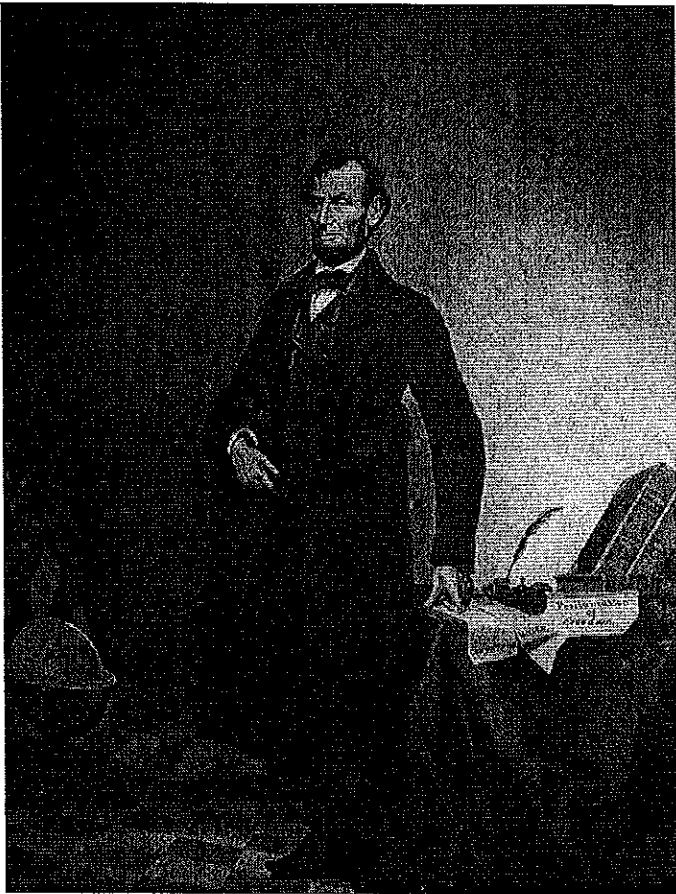


6. Forbes Mill Footbridge

# Council Chambers Lobby



7. Lyndon Hotel

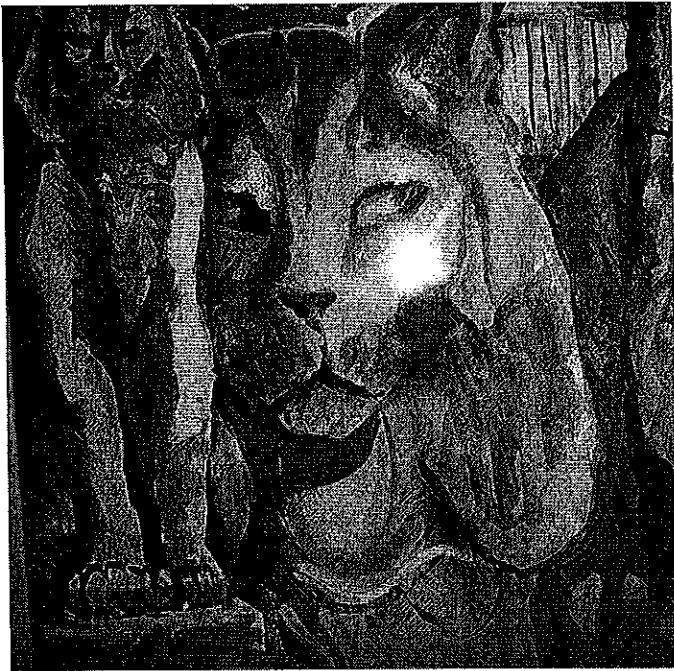


8. Abraham Lincoln

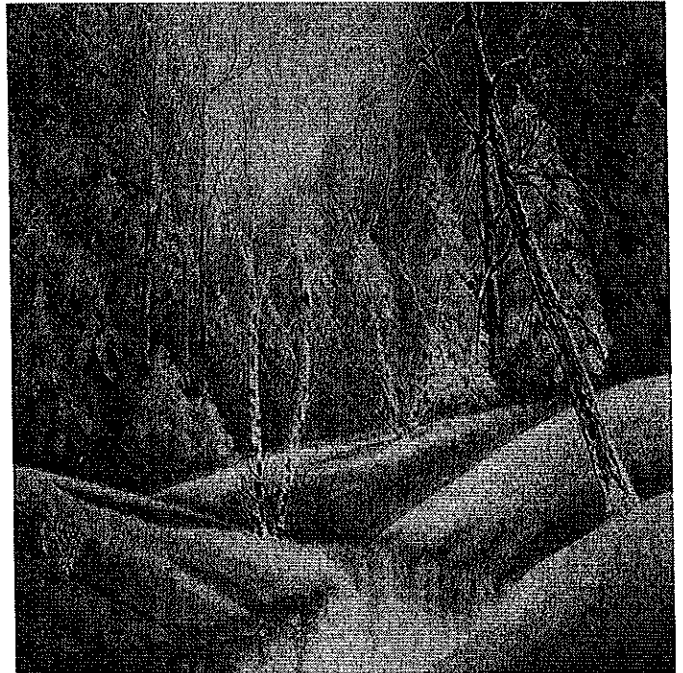


9. Portrait of Billy Jones

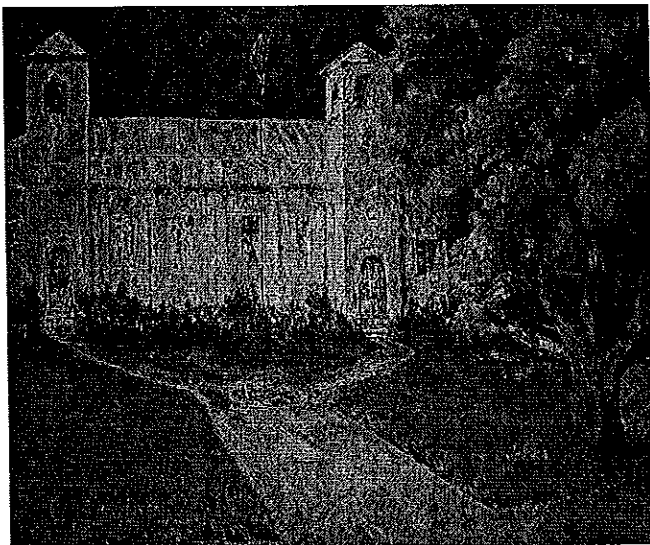
# Los Gatos Adult Recreation Center



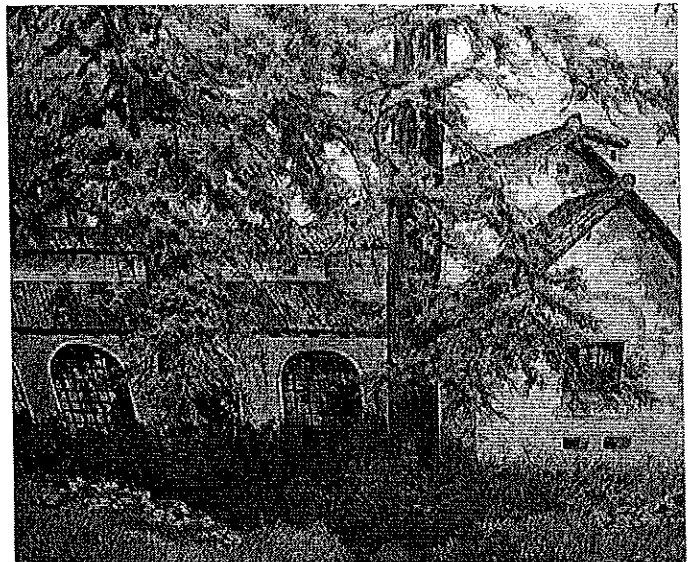
10. Los Gatos Cats



11. A Winter Scene



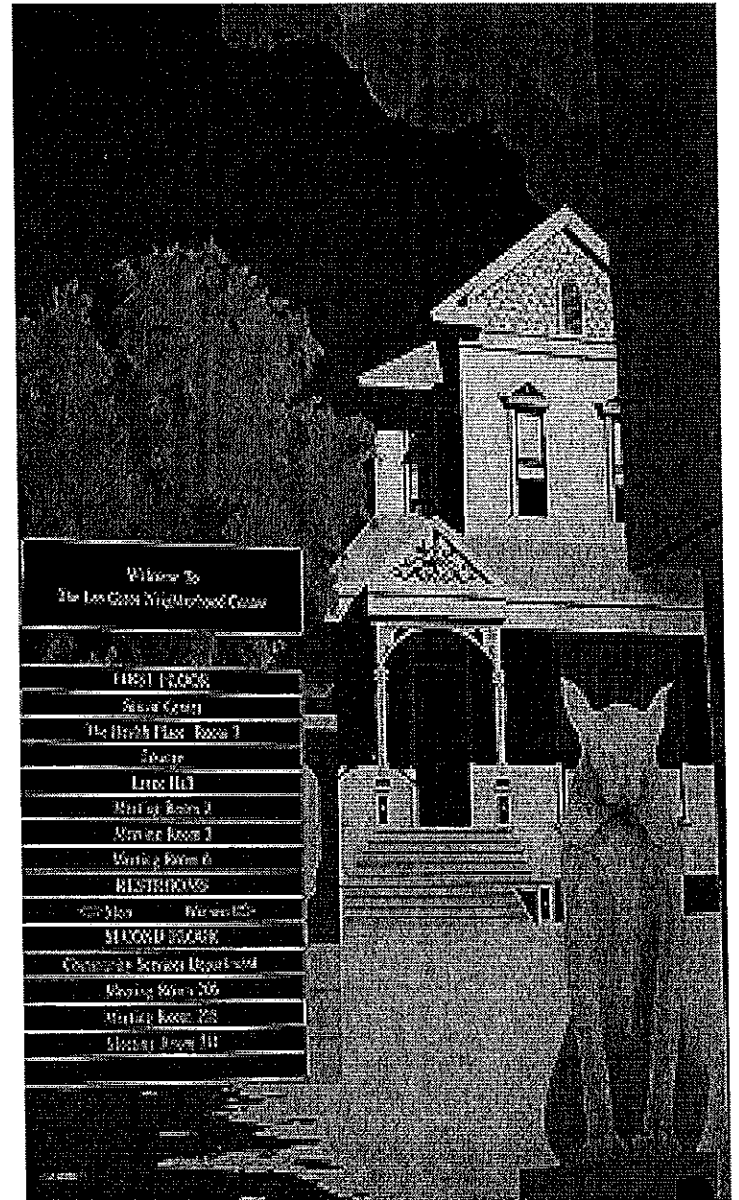
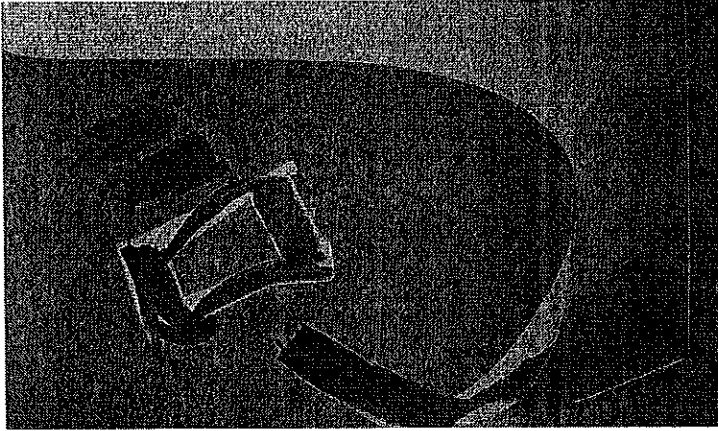
12. Old Civic Center



13. Spanish Style Home



# Los Gatos Adult Recreation Center



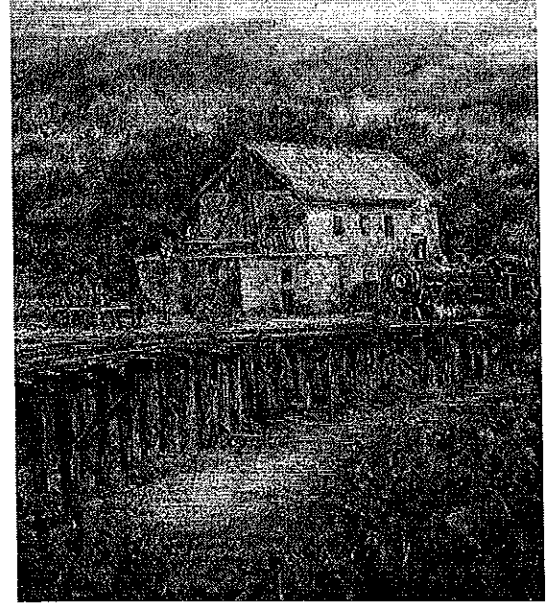
14. Unnamed Acrylic on Canvas

15. Victorian Home and Cat

# Parks and Public Works & Police Operations Building



16. Maria's Berry Farm Water Tower



17. Los Gatos Old Mill and Train



18. Cruiser  
(Located in the Police Operations Building)

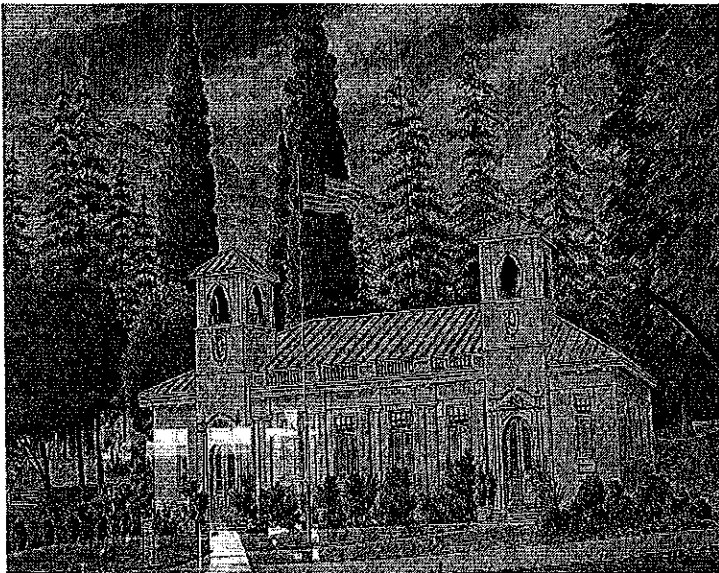
# Town Hall



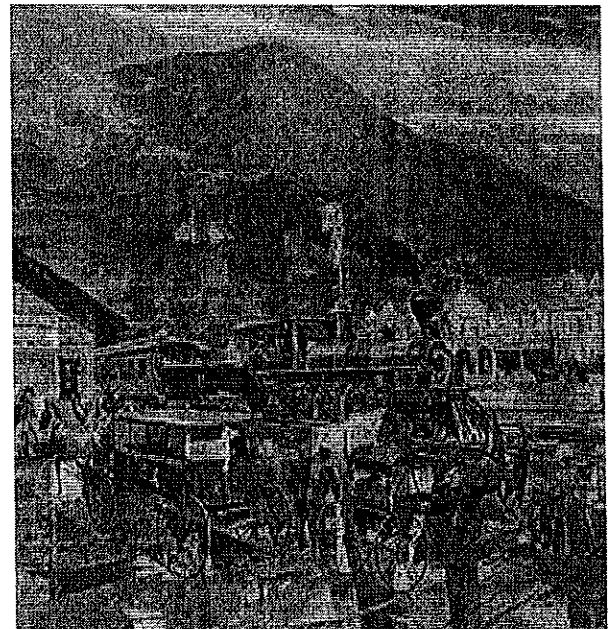
19. Louis Armstrong



20. Abstract Oil Painting

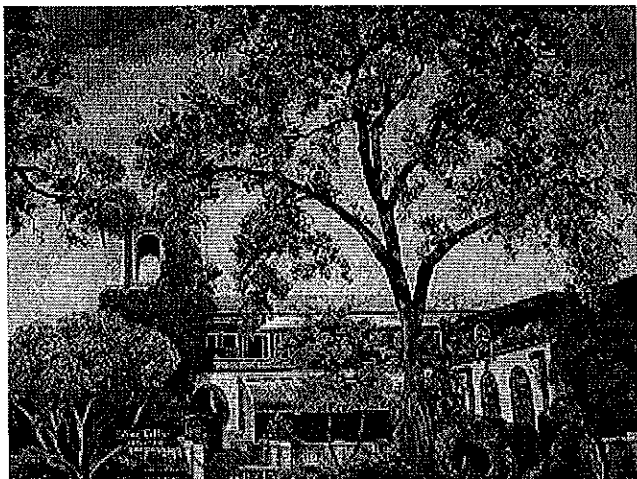
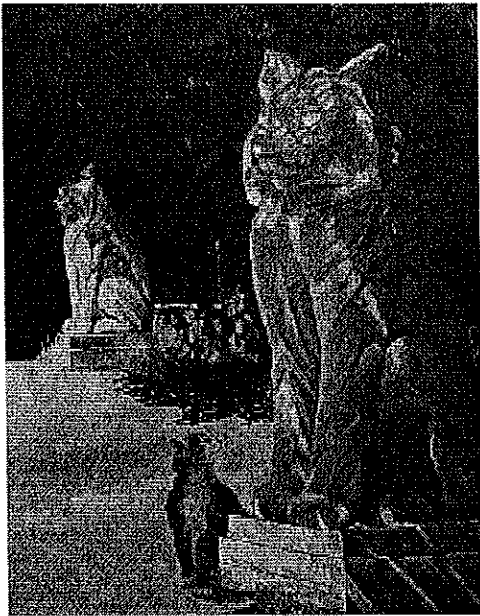


21. Old Town Hall



22. Train From Santa Cruz

# Library



23. Displayed in the Library stairwell, each are winners of a Chamber of Commerce sponsored contest